

First Response – Remarks

Drawings

A proposed drawing amendment adding figure 4a in order to remove the Examiner's objection is enclosed for the Examiner's approval. Figure 4a is supported by lines 4-5 of claim 15 and paragraphs 34 and 35 on page 7 of the specification.

Upon approval of the drawing amendment, the specification will be amended to reflect the addition of figure 4a.

Claim Objections

The objections to claims 4-14 and 21-24 under 37 CFR § 1.75.(c) as being in improper form is noted.

Claim 3 has been rewritten in an independent form without any multiple dependency. Claims 9 and 13 have been amended to depend from a single claim. Consequently the objection to claims 4-14 has been removed.

Claim 20 has been amended to remove the multiple dependency. Consequently the objection to claims 21-24 has been removed.

Claim Rejections – 35 USC § 102

Claim 1 has been amended responsive to the rejection of claim 1 under 35 USC § 102(b) as anticipated by U.S. Patent 5,199,754 to Freeman. The internal drive linkage (comprising drive arm 20, link 21 and driven arm 23) that the Examiner's regards as the claimed hinge bracket is not a hinge bracket. This internal drive linkage of the Freeman arrangement does not hinge the Freeman arm 36 to anything. The Freeman elongate arm or barrier 36 is attached to a barrier support 34 by a socket 35. Barrier support 34 is attached to pivot shaft 25 which in turn is supported in bearing plate 32 and journal 33. Consequently, the internal drive linkage comprising drive arm 20, link 21 and driven arm 23 is not part of the Freeman hinge bracket. This also applies to cam wheel 33.

Claim 1 has been amended to distinguish the claimed hinge from the Freeman hinge arrangement more clearly. The Freeman hinge arrangement does not have and does not need a hinge bracket that has a portion below the Freeman housing comprising Freeman base 4.

Claim Rejections – 35 USC § 103

The rejection of claims 2-3 under 35 USC § 103 (a) as being unpatentable over Freeman in view of US Patent 6,477,978 B2 (Lamparter) is respectfully traversed.

With regard to claim 2, the Freeman '754 patent does not disclose "the crossing arm being attached to the hinge bracket so as to be storable above or below the bumper" as required by claim 2. The Freeman arrangement does not store the elongated arm 36 above the bumper when the base 4 is attached to the front of bumper 2 as clearly shown in figure 3 of the Freeman '754 patent. Moreover, there is no way to store the elongated arm 36 above or below the bumper 2 when the base 4 is attached to the rear of bumper 4 without extensive modifications following the teaching of applicants' disclosure. Furthermore, it is not obvious to attach the flap 36 of the Lamparter '978 patent to the elongated barrier 36 of the Freeman '754 patent because the flap cannot be "pivotaly attached to the rod so that the flap is stored in a substantially horizontal position above the bumper" as required by the claim. Any flap that is attached to the Freeman arm 36 cannot store in a substantially horizontal position because it will interfere with the bumper before reaching a substantially horizontal position. On the other hand if the flap does reach a substantially horizontal position, the front portion of the flap adjacent the Freeman base 4 will stick out in front of the bumper whether the bumper is stored above or below the bumper.

With regard to claim 3, the Freeman '754 patent does not disclose "the crossing arm being attached to the hinge bracket so as to be storable above or below the bumper" as discussed above with regard to claim 2. The Freeman arrangement simply does not store the elongated arm 36 above the bumper when the base 4 is attached to the front of bumper 2 and there is no way to store the elongated arm 36 above the bumper 2 when the base 4 is attached to the rear of bumper 4 without extensive modifications following the teaching of applicants' disclosure.

Moreover, the Freeman '754 arrangement does not have a U-shaped bracket. The Freeman drive linkage is not a bracket as discussed above in connection with claim 1.

Furthermore, the Freeman '754 arrangement does not have a cross over link that is attached to one of the legs of the [U-shaped] bracket in cantilever fashion so as to orient Freeman arm 36 tangentially with respect to the pivot axis. The Freeman '754 barrier support 34 that the Examiner seems to regard as the claimed cross over

bracket is not attached to a leg of a U-shaped bracket. As noted by the Examiner, the Freeman '754 barrier support is attached to the pivot shaft 34 which is not parallel to anything that can be considered part of a U-shaped bracket. Furthermore the Freeman barrier support 34 does not orient the arm 36 tangentially with respect to the pivot axis.

Claim 15 has been amended responsive to the rejection of claim 15 under 35 USC § 103(a) as unpatentable over Freeman in view of US Patent 3,998,285 (Cooper). Specifically claim 15 has been amended to specify that the crossing arm includes a rod that is moveable by the actuator in a substantially horizontal direction from a stored position to a deployed position.

As indicated above, the arrangement shown in the Freeman '754 patent does not store the elongated barrier 36 above the bumper when the base 4 is attached to the front of the bumper. Moreover, as discussed above in connection with claim 1, the arrangement shown in the Freeman '754 patent will not store the elongated barrier 36 over the bumper 2 when the base 4 is attached to the rear of the bumper 2 without extensive modifications following the applicants' teaching. This is true even when the secondary Cooper '285 patent is taken into account. The Cooper '285 patent shows an arrangement having parking guides 10 and 12 that pivot vertically. The Cooper '285 does not have any teaching how to modify the Freeman '754 arrangement so that the base 4 can be attached behind the bumper 2 so that the barrier arm 36 pivots in a substantially horizontal direction between a stored position above the bumper and a deployed position perpendicular to the bumper.

The rejection of claims 16-20 under 35 USC § 103(a) as being unpatentable over Freeman and Cooper in view of Lamparter is respectfully traversed.

Base claim 15 distinguishes over Freeman in view of Cooper as pointed out above. Consequently, claims 16-20 are patentable over the three applied references.

Furthermore, regarding dependent claim 16 it is not obvious to incorporate the Lamparter flap 3 into the Freeman arrangement as pointed out above in connection with claim 2.

Claim 17 has been rewritten in independent form with the flap being made an element of new dependent claim 25. With regard to amended claim 17, as pointed out above in connection with claim 3, the Freeman '754 arrangement does not have a U-shaped bracket. The Freeman drive linkage is not a bracket as discussed above in

connection with claim 1. Furthermore, as pointed out in connection with claim 3, the Freeman '754 arrangement does not have a cross over link that is attached to one of the legs of the [U-shaped] bracket. The Freeman '754 barrier support 34 that the Examiner seems to regard as the claimed cross over bracket is not attached to a leg of a U-shaped bracket. As noted by the Examiner, the Freeman '754 barrier support is attached to the pivot shaft 34 which is not parallel to anything that can be considered part of a U-shaped bracket.

New Dependent claims 25-34 have been added to round out the patent coverage.

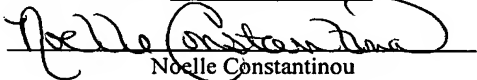
Please reconsider claims 1-34 in view of the foregoing amendments and remarks

A check for \$213.00 is enclosed for the addition of nine dependent claims and four independent claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayment in connection with this communication to our Deposit Account No. 50-0852. A duplicate copy of this sheet is enclosed.

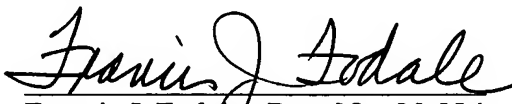
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on November 23, 2004.


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Respectfully submitted,

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